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9
10 Attorneys for Defendant
11 ADZILLA, INC.
12 (erroneously named herein as "ADZILLA, INC. [NEW MEDIA]")
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15 UNITED STATES DISTRICT COURT
16
17 NORTHERN DISTRICT OF CALIFORNIA

18
19 SUSAN SIMON, an individual on behalf of
20 herself and all other similarly situated,

21 Plaintiff,

22 v.

23
24 ADZILLA, INC. [NEW MEDIA], a Delaware
25 Corporation; CONDUCIVE
26 CORPORATION, a Delaware Corporation;
27 CONTINENTAL VISINET BROADBAND,
28 INC., a Delaware Corporation; CORE
Corporations Defendants,

Defendant.

Case No. 3:09-CV-00879 MMC

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE SECOND
CASE MANAGEMENT
CONFERENCE; ORDER THEREON**

Date: January 29, 2010

Time: 10:30 a.m.

Judge: Hon. Maxine M. Chesney

1 Pursuant to Local Rule 6-2, Plaintiff Susan Simon (“Simon”) and Defendant Adzilla, Inc.
 2 (“Adzilla”) hereby stipulate and agree as follows:

3 1. An initial Case Management Conference (“CMC”) was held in the above-
 4 captioned action on October 9, 2009. At that hearing the Court ordered a second CMC for
 5 January 29, 2010 at 10:30 a.m., and also ordered that the parties complete private mediation by
 6 January 29, 2010.

7 2. Simon and Adzilla stipulate and request that the second CMC and mediation
 8 deadline be continued four weeks, to February 26, 2010, for the following reasons.

9 3. The parties have been engaged in settlement discussions, but those discussions
 10 have slowed because one of Adzilla’s primary employees is currently undergoing treatment for a
 11 serious medical condition. That individual is the only available resource for analyzing Simon’s
 12 technical claims, and his input is necessary to prepare for mediation and determine whether
 13 settlement at mediation or otherwise will be feasible.

14 4. Continuation of the second CMC for an additional four week period will enable
 15 the parties to advance their settlement discussions and participate in mediation, if necessary.

16 5. In the event the parties are unable to resolve the case through mediation or
 17 otherwise within the next four weeks, they will be prepared to attend the second CMC on or after
 18 February 26, 2010.

19 Dated: January 22, 2010

COOLEY GODWARD KRONISH LLP
 MICHAEL G. RHODES
 BEATRIZ MEJIA
 GAVIN L. CHARLSTON

22 /s/ Gavin L. Charlston
 23 Gavin L. Charlston
 24 Attorneys for Defendant
 ADZILLA, INC.

1 Dated: January 22, 2010

2 KAMBERLAW LLC
3 SCOTT KAMBER
4 DAVID A. STAMPLEY

5 /s/ Scott Kamber

6 Scott Kamber
7 Attorneys for Plaintiff
8 SUSAN SIMON

9 PURSUANT TO STIPULATION, IT IS SO ORDERED: That the second Case Management
10 Conference and private mediation deadline, both currently scheduled for January 29, 2010, are
11 hereby continued to February 26, 2010, and the Case Management Conference is continued to March 12, 2010.
12 A Joint Case Management Statement shall be filed no later than March 5, 2010.

13 DATED: January 25, 2010

14 
15 HON. MAXINE M. CHESNEY
16 United States District Judge